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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,414

09/01/2006

Michael Wentworth

MID-PT020

2531

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UNITED PLAZA, SUITE 1600
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EXAMINER

WATKINS III, WILLIAM P

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

03/04/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,414	Applicant(s) WENTWORTH, MICHAEL	
	Examiner William P. Watkins III	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/1/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The use of the trademark SHEETROCK has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergeron, Sr. (U.S. 5,141,109) in view of applicant's admission on page 1, lines 12-24 of the instant specification, further in view of Wilson (U.S. 3,756,167).

Bergeron, Sr. teaches the use of a stack of gypsum board to serve as a support beam for a pallet (abstract, col. 2, lines 35-45). Bergeron, Sr. fails to teach cutting and folding gypsum board to obtain a stack of layers for a support spacer. Applicant admits

that it is old in the art to score and fold gypsum board with an apparatus to make multiple layer support spacers. Bergeron, Sr. in view of applicant's admission fails to teach apertures through a support beam. Wilson teaches apertures through a support beam for a pallet in order to save weight (col. 2, lines 28-32). The instant invention claims a glut formed of a stack of gypsum board layers that are formed from cuts and folds from one sheet, with apertures through the layers. It would have been obvious to one of ordinary skill in the art to have formed the support beam of Bergeron, Sr. from cut and folded portions of a sheet of gypsum board in view of applicant's admission of the state of the prior art. It further would have been obvious to one of ordinary skill in the art to have formed apertures in the gypsum layers of Bergeron, Sr. in view of applicant's admission in order to save weight because of the teachings of Wilson. Addition of a perforation means to the apparatus of applicant's admission in view of the teachings of Wilson to form apertures would have been obvious to one of ordinary skill in the art.

4. Claims 4, 14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergeron, Sr. (U.S. 5,141,109) in view of applicant's admission on page 1, lines 12-24 of the instant specification, further in view of Wilson (U.S. 3,756,167) as applied to claims 1-3, 5-13 and 15 above, and further in view of Charriere (U.S. 4,980,214).

Bergeron, Sr. as modified above teaches a stack of gypsum board layers to make a support beam. Charriere teaches wrapping a central core of loose material with a

shrink wrap in order to form a strong support beam (abstract). The instant invention claims the use of shrink wrap around a stack of gypsum layers. It would have been obvious to one of ordinary skill in the art to have wrapped the gypsum stack of Bergeron, Sr. as modified above with shrink wrap in order to form a strong beam because of the teachings of Charriere. Addition of a shrink wrap means to the apparatus as modified above to accomplish the wrapping would also have been obvious.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 3, 2010

/William P. Watkins III/
Primary Examiner, Art Unit 1794